

Form PTO-1449 (Modified)

U.S. Department of Commerce
Patent and Trademark Office

Atty. Docket No.

05569.0004.DVUS11

Serial No.

New

Application

Applicant

McCafferty, J. et al.

Filing Date

3-18-04

Group

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

*Examiner Initials		Document Number	Issue Date	Name	Class	Subclass	Filing Date if Appropriate
	A1	4,593,002	06/03/86	Dulbecco	435	172.3	
	A2	4,816,397	03/28/89	Boss et al.	435	68	
	A3	4,946,778	08/07/90	Ladner et al.	435	69.6	
	A4	5,091,513	02/25/92	Huston et al.	530	387	
	A5	5,223,409	06/29/93	Ladner et al.	435	69.7	
	A6	5,403,484	04/04/95	Ladner et al.	435	235.1	
	A7	5,427,908	06/27/95	Dower et al.	435	5	
	A8	5,658,727	08/19/97	Barbas et al.	435	6	
	A9	5,688,666	11/18/97	Bass et al.	435	69.4	
	A10	5,750,373	05/12/98	Garrard et al.	435	69.4	
	A11	5,759,817	06/02/98	Barbas, C.	435	69.7	
	A12	5,770,356	06/23/98	Light et al.	435	5	
	A13	5,780,279	07/14/98	Matthews et al.	435	172.3	
	A14	5,821,047	10/13/98	Garrard et al.	435	5	
	A15	5,846,765	12/08/98	Matthew et al.	435	69.1	
	A16	5,849,500	12/15/98	Breitling et al.	435		
	A17	5,985,588	11/16/99	Breitling et al.	435	7.8	

EXAMINER

/Amber D. Steele/

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FOREIGN PATENT DOCUMENTS								
*Examiner Initials		Document Number	Publication Date	Country	Class	Subclass	Translation	
							Yes	No
	B1	WO 83/02393	07/21/83	WIPO				
	B2	EP 2 137 631	10/10/84	EP				
	B3	EP 0 168 933	01/22/86	EP				
	B4	WO 88/06630	09/07/88	WIPO				
	B5	WO 88/09344	12/01/88	WIPO				
	B6	EP 0 324 162 A1	12/24/88	EP				
	B7	AU-B-27617/88	07/06/89	AU				
	B8	WO 90/02809	03/22/90	WIPO				
	B9	WO 90/05144	05/17/90	WIPO				
	B10	WO 90/14424	11/29/90	WIPO				
	B11	WO 90/14430	11/29/90	WIPO				
	B12	WO 90/14443	11/29/90	WIPO				
	B13	WO 91/10737	07/25/91	WIPO				
	B14	WO 91/17271	11/14/91	WIPO				
	B15	WO 92/06204	04/16/92	WIPO				
	B16	WO 92/09690	06/11/92	WIPO				
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Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	App. Docket No. 05569.0004.DVUS11	Serial No. New Application
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)		Applicant McCafferty, J. et al.	
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	Filing Date March 18, 2004	Group Art Unit

U. S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
A1	6 3 3 1 4 1 5		Cabilly et al.	435	69.6	6/10/88
A2	07/ 2 4 0 1 6 0	3/22/90	Ladner application			
	5 4 2 7 9 0 8	06/95	Dower et al.	435	5	
	6 1 7 2 1 9 7	01/01	McCafferty et al.	530/387	3	
	5 9 6 9 1 0 8	10/99	McCafferty et al.	530/387	3	

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	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	Translation	
						Yes	No
B1	WO 88/01649	3/10/88	PCT				
B2	GB9022845.3	10/19/90	Great Britain				
B3	GB9024503.6 patent application	11/12/90	Great Britain				
B4	GB 9104744.9 patent application	3/6/91	Great Britain				
B5	EP-A-0 368 684	5/16/90	Great Britain				
B6	GB9015198.6 priority document	7/10/90	Great Britain				
B7	GB 9022845.3 priority document	10/19/90	Great Britain				
B8	GB 9104744.9 priority document	3/6/91	Great Britain				
B9	GB9110549.4 priority document	5/15/91	Great Britain				
B10	EP-B-0 349 578 B1	11/30/94	Great Britain				

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(Including Author, Title, Date, Pertinent Pages, Etc.)

C1	First Amended Complaint, Filed March 8, 2002 - Morphosys AG v. Cambridge Antibody Technology Limited, Case No. 1:00-CV-00146 (24 pages) (U.S. District Court, District of Columbia)(signed by John S. Skilton, Attorney for Plaintiff.)
C2	Cambridge Antibody Technology Limited's Answer to First Amended Complaint, Filed March 22, 2002 - Morphosys AG v. Cambridge Antibody Technology Limited, Case No. 1:00-CV-00146 (30 pages) (U.S. District Court, District of Columbia)(signed by Brian H. Corcoran, Attorney for Defendant).

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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
C3	Il'ichev, A.A., et al., "M13 Filamentous Bacteriophage in Protein Engineering", Molekulyarnaya Biologiya, Vol. 24, No. 2, pp. 530-535, (March-April 1990).		
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C5	Redacted Agreement Between Medical Research Council and Cambridge Antibody Technology Limited and Cambridge Antibody Technology Group plc, made 01 January 1997		
C6	Deposition Transcript of David W. Clough, taken April 19, 2002 (Morphosys AG v. Cambridge Antibody Technology Limited, U.S. District Court, Northern District of Illinois, Eastern Division).		
C7	E.I. du Pont de Nemours v. Cetus Corp., 19 USPQ2d 1174, (DC N.Cal. 1990).		
C8	OddzOn Products Inc. v. Just Toys Inc., 43 USPQ2d 1641 (CAFC 1997).		
C9	Deposition Transcript of George P. Smith, Ph.D., taken 14 May 2002, Morphosys AG v. Cambridge Antibody Technology Limited, Case No. 1:00-CV-00146 (30 pages) (U.S. District Court, District of Columbia.)		
C11	Deposition Transcript of Dr. David Chiswell, taken 29 April 2002; Morphosys AG v. Cambridge Antibody Technology Limited, Case No. 1:00-CV-00146 (30 pages) (U.S. District Court, District of Columbia.)		
C12	Deposition Transcript of Dr. Gregory Paul Winter, taken April 30, 2002; Morphosys AG v. Cambridge Antibody Technology Limited, Case No. 1:00-CV-00146 (30 pages) (U.S. District Court, District of Columbia.)		
C13	Vol. I - Deposition Transcript of Sean Malcolm Walton, taken 01 May 2002, Morphosys AG v. Cambridge Antibody Technology Limited, Case No. 1:00-CV-00146 (30 pages) (U.S. District Court, District of Columbia.)		
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
C14	Vol. II - Deposition Transcript of Sean Malcolm Walton, taken 02 May 2002, Morphosys AG v. Cambridge Antibody Technology Limited, Case No. 1:00-CV-00146 (30 pages) (U.S. District Court, District of Columbia.)		
C15	Chiswell memo, dated 30 July 1990, transmitting a copy of the Collaborative Agreement between Cambridge Antibody Technology and The Medical Research Council, dated July 27, 1995.		
C16	Declaration of George P. Smith, Ph.D., Under 37 C.F.R. § 1.132, executed 30 June 1995 (submitted during the prosecution of U.S. Application No. 08/322,352).		
C17	Declaration of Brian K. Kay, Ph.D., executed 28 June 1998, (submitted during the prosecution of European Appln. No. 91913039.3)		
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C19	Smith Grant Application, entitled: "Filamentous Phage Physiology", dated November 1, 1988		
C20	Administration Agreement between Cambridge Antibody Technology Ltd. and Medical Research Council, dated 01 August 1991 (Redacted).		
C21	Letter from John McCafferty (of Cambridge Antibody Technology Limited) to Sean Walton (of Morphosys AG) regarding the Smith grant application.		
C22	Email message from John McCafferty (of Cambridge Antibody Technology Limited) to Brian Kay regarding the Smith grant application.		
C23	Letter to Craig Panner (of the Academic Press) from John McCafferty (Cambridge Antibody Technology Limited) regarding the Smith grant application.		
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C24	Smith, G. P., "1988 - A Year of Discovery", Phage Display of Peptides and Proteins, Academic Press, Inc. (1996), pp. xvii-xix.		
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
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C29	Notice of Appeal to the European Patent EP-B-0589877 from Dyax Corp., filed June 17, 2002		
C30	Communication from EPO on Notice of Appeal filed by Dyax, issued October 21, 2002		
C31	Notice of Appeal to the European Patent EP-B-0589877 from Biointent Therapeutic AB, filed June 14, 2002		
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
C39	Document D83 in Appeal No. T0639/02-334: Letter dated 26 August 1999 from Cambridge Antibody Technology Ltd in opposition proceedings against EP 0 527 839		
C40	Document D85 in Appeal No. T0639/02-334: Proprietor's letter of 12 November 1997 and amended claims		
C41	Document D86 in Appeal No. T0639/02-334: EP 0 774 311 A1		
C42	Document D87 in Appeal No. T0639/02-334: Proprietor's letter of 15 November 2000		
C43	Document D88 in Appeal No. T0639/02-334: Grounds of Appeal dated 22 August 2002 from present opponent opposition proceedings against EP 0589 877		
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C46	Document D91 in Appeal No. T0639/02-334: Better et al. (1988). Science 240, 1041-1043		
C47	Document D92 in Appeal No. T0639/02-334: Sambrook & Russel (2001). Molecular cloning: a laboratory manual 3rd Edition, Cold Spring Harbor Press: particular pages 18.115 to 18.122 "Filamentous phage display"		
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C51	Document D27: Details of Smith Grant application and second and third year renewals thereof as provided by the DHHS in response to a Freedom of Information Act (FOIA) request		
C52	Notice of Opposition to the European Patent EP-B-0609077 from Dyrac Corp.		
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C63	Opposition to European patent EP-8-0589877, cited opposition document D9: De La Cruz et al. "Immunogenicity and epitope mapping of foreign sequences via genetically engineered filamentous phage", <i>J. Bio. Chem.</i> 263: 4318-4322 (1988)		
C64	Opposition to European patent EP-8-0589877, cited opposition document D15: Parmley and Smith "Filamentous fusion phage cloning vectors for the study of epitopes and design of vaccines", <i>Adv. Exp. Med. Biol.</i> 251: 215-218 (1989)		
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

C74	Opposition to European patent EP-B-0589877, cited opposition document D43: Proba et al. "Antibody scFv fragments without disulfide bonds made by molecular evolution", J. Mol. Biol. 275: 245-253 (1998)
C75	Opposition to European patent EP-B-0589877, cited opposition document D44: Letter of 18 November 1992 to EPO from Kilburn Strobe in prosecution of EP-B-0 349 578
C76	Opposition to European patent EP-B-0589877, cited opposition document D45: Page 3 of EPO letter of 19 October 1993 addressed to Plougmann, Ole (c/o Plougmann Vingtoft A/S) in prosecution of EP-B-0 768 377
C77	Opposition to European patent EP-B-0589877, cited opposition document D46: Letter of 22 September 1994 to EPO from Plougmann & Vingtoft in prosecution of EP-B-0 768 377
C78	Opposition to European patent EP-B-0589877, cited opposition document D47: Extract from OD Decision in opposition proceedings against EP-B-0 201 184, (1995)
C79	Opposition to European patent EP-B-0589877, cited opposition document D48: Letter of 14 February 1996 to EPO from Hepworth, Lawrence, Bryer & Bizley in prosecution of EP-A-0 527 839, 1996
C80	Opposition to European patent EP-B-0589877, cited opposition document D49: the Boards of Appeal of the European Patent Office decision of 8 May 1996, case number T694/92 - 3.3.4
C81	Opposition to European patent EP-B-0589877, cited opposition document D50: Extract from opposition proceeding against EP-B-0 349 578 (1996)
C82	Opposition to European patent EP-B-0589877, cited opposition document D51: Extract from OD Decision in proceedings against EP-B-0 349 578 (1998)
C83	Opposition to European patent EP-B-0589877, cited opposition document D53: Declaration of professor sir Aaron Klug, Ph.D. with exhibits, (23 June 1998)
C84	Opposition to European patent EP-B-0589877, cited opposition document D54: print of paper by Scott and Smith submitted to Science no dates
C85	Opposition to European patent EP-B-0589877, cited opposition document D55: Smith grant application

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		Docket Number 05569.0004.DVUS11 Applicant McCafferty et al. Filing Date March 18, 2004	Application Number New Application Group Art Unit
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
C86	Opposition to European patent EP-B-0589877, late filed document D56: claim for infringement of 24 September 1998, from Cambridge Antibody Technology Limited to EPO		
C87	Opposition to European patent EP-B-0589877, late filed document D58: McConnell et al. "Constrained peptide libraries as a tool for finding mimotopes", Gene 151: 115-118 (1994).		
C88	Opposition to European patent EP-B-0589877, late filed document D59: two chapters of "Lambda II" (eds. Hendrix et al.) Cold Spring Harbour Laboratory, Cold Spring Harbour, New York, 1983: "A Beginner's Guide to Lambda Biology" (Arber) (pp. 381-395) and "Tail Assembly and Injection" (Katsura) (pp. 331-346).		
C89	Opposition to European patent EP-B-0589877, late filed document D60: Parnley & Smith "Filamentous fusion phage cloning vectors for the study of epitopes and design vaccines", Adv. Exp. Med. Biol. 251: 251-8 (1989).		
C90	Opposition to European patent EP-B-0589877, late filed document D63: Declaration of William D. Huse, MD, Ph.D. (17 August 1999)		
C91	Opposition to European patent EP-B-0589877, late filed document D66: Crissman & Smith, "Gene-III protein of filamentous phages: evidence for a carboxyl-terminal domain with a role in morphogenesis", Virology 132: 445-455 (1994).		
C92	Opposition to European patent EP-B-0589877, late filed document D67: Declaration of Dr. Vira Valge-Archer (3 May, 2000)		
C93	Opposition to European patent EP-B-0589877, late filed document D68: Declaration of Dr. Hiroshi Ueda (3 May, 2000)		
C94	Opposition to European patent EP-B-0589877, late filed document D69: First Declaration of Dr. Rachel B. Kent (4 February, 2000).		
C95	Opposition to European patent EP-B-0589877, late filed document D71: letter of patentees filed at USPTO on 16 July 1996.		
C96	Opposition to European patent EP-B-0589877, late filed document D72: letter of patentees filed at USPTO on 6 March 1997.		
C97	Opposition to European patent EP-B-0609077, late filed document D73: Opposition by CNT against EP-B-0-506 506		
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		Docket Number 05569.0004.DVUS11	Application Number New Application
		Applicant McCafferty et al.	
		Filing Date March 18, 2004	Group Art Unit
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
C98	Opposition to European patent EP-B-0589877, late filed document D74: Decision of EPPO on EP-B-0-301-184.		
C99	Opposition to European patent EP-B-0589877, late filed document D75: Declaration of Prof. Andreas Plückhuhn (3 May, 2000).		
C100	Opposition to European patent EP-B-0589877, late filed document D76: Notice of grant awarded to Smith grant application, no date		
C101	Opposition to European patent EP-B-0589877, late filed document D77: Endemann and Model "Location of filamentous phage minor coat proteins in phage and in infected cells", J. Mol. Biol. 250: 496-506 (1995). The document was objected to by patentees.		
C102	Opposition to European patent EP-B-0589877, late filed document D79: Extract from Morphosys website. no date		
C103	Opposition to European patent EP-B-0589877, late filed document D80: Written Decision dated 26 May 2000 to revoke EP-B-0436597.		
C104	Opposition to European patent EP-B-0589877, late filed document D81: 2nd Declaration of Dr. Viia Valge-Archer (31 May, 2000).		
C105			
C106			
C107			
C108			
C109			
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